REMARKS

I. Status of the Claims

Claims 37-53 are currently pending. Claims 1-36 and 54-59 have been canceled without prejudice or disclaimer. In addition, claims 37, 40-43, 45, 50, 51, and 53 have been amended to further define various aspects of the invention. For example, claims 37, 45 and 53 have been amended to define the wear layer as comprising radiation curable acrylates, with claim 41 being amended to define the radiation as ultraviolet. Claim 37 has further been amended to define the concentration of the aluminum oxide as ranging up to 40% by weight of the wear layer. Support for these amendments can be found in the originally filed specification and claims. *See, for example*, the specification at pages 9-10 and canceled claims 1 and 36.

In addition, claims 40 and 49 have been amended to further define the wear layer as containing carborundum, in addition to quartz, silica, glass, a plastic, a polymeric or an organic material. Support for this amendment can be found in the second paragraph of page 8 of the as-filed specification.

Furthermore, claims 43 and 51 have been amended to further define the bottom coat layer as comprising urethane, acrylic, melamine, polyolefins, and wood in addition to polyvinylchloride. Support for this amendment can be found in the as-filed specification at pages 8-9, which exemplifies urethane, acrylic, melamine, PVC and polyolefins. In addition, pages 12-14 and Tables 1, 2, 3, and 4 all mentioned vinyl sheet structures made according to the present disclosure. As one skilled in the art would appreciate, the structure of vinyl is $R_1CH=CH_2$ which can be polyvinylchloride, polypropylene or polyethylene. Other base layers, such as polyolefins, are similar to

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PVC in that they are polymers, which are described in the as-filed specification as comprising the base coat or base itself. Table 6 on page 16 further exemplifies wood as a base layer. For at least these reasons, the amendment to claims 43 and 51 to include urethanes, acrylics, melamine, PVC, polyolefins, polymers and wood as base layers does not add new matter.

Applicants acknowledge, with appreciation, that the previous rejections have been withdrawn in view of Applicants' last filed response. For at least the following reasons, the new rejections should also be withdrawn.

II.   Rejections Under 35 U.S.C. §102

The Examiner has rejected claim 1 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,505,808 to Hallman et al. ("Hallman"). While not acquiescing to the correctness of this rejection, it has been rendered moot by the amendment canceling claim 1. Thus, this rejection should be withdrawn.

III.   Double Patenting Rejections

A. Statutory Double Patenting

The Examiner has rejected claims 1-5, 7, 9-13, and 30-36 under 35 U.S.C. §101 as claiming the same invention of claims 1-13 to parent U.S. Patent No. 6,291,078. While not acquiescing to the correctness of this rejection, it has been rendered moot by the amendment canceling claims 1-5, 7, 9-13, and 30-36. Thus, this rejection should be withdrawn.

B. Obviousness Type Double Patenting

The Examiner has rejected claims 37-53 on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-13 to parent U.S. Patent No. 6,291,078 ("the '078 patent"). While not acquiescing to the correctness of this rejection, Applicants file herewith a terminal disclaimer over the '078 patent. Applicants thus request that this rejection be withdrawn.

IV.   Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully request the consideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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/Louis Troilo/

Dated: July 13, 2007   By:_____
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